REMARKS

Claims 1-16 and 36-39 were previously pending in this application. By this amendment, Applicant is canceling no claims. Claims 1, 36 and 39 have been amended. New claim 40 has been added. As a result, claims 1-16 and 36-40 are pending for examination, claims 17-35 having been withdrawn, with claims 1, 36 and 39 being independent claims. No new matter has been added. The application as presented is believed to be in condition for allowance.

Information Disclosure Statement

Page 3 of the Office Action states that the Information Disclosure Statement filed on October 29, 2007 fails to comply with 37 C.F.R. 1.98(a)(3) because the Information Disclosure Statement does not include a concise explanation of the relevance, as it is presently understood by the individual designated in 37 C.F.R. 1.56(c) most knowledgable about the content of the information. However, Applicant respectfully submits that 37 C.F.R. 1.98(a)(3)(i) only requires such an explanation when the "information listed is not in the English language." The Information Disclosure Statement filed on October 29, 2007 did not list information not in the English language, and therefore, the concise explanation of the relevance is not required. Applicant respectfully requests that the Examiner make of record, and consider, the information included in the Information Disclosure Statement filed on October 29, 2007.

Rejection Under 35 U.S.C. §112

The Office Action rejected claim 39 under 35 U.S.C. §112, first paragraph, as failing to comply with the written description requirement. Claim 39 has been amended to overcome this rejection by removing claim elements directed toward readable signals. Claim elements directed toward a computer readable storage medium find support in the specification as filed, for example, in paragraph [0025]. Accordingly, withdrawal of this rejection of claim 39 is respectfully requested.

Rejection Under 35 U.S.C. §101

The Office Action rejected claim 39 under 35 U.S.C. §101, alleging the claimed invention is directed to non-statutory subject matter. Without acceding to the correctness of this rejection, claim 39 has been amended and as amended is drawn to an article of manufacture.

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Thus, claim 39, as amended, meets the requirements of 35 U.S.C. §101. Accordingly,
withdrawal of this rejection is respectfully requested.

Rejections Under 35 U.S.C. §102

Claims 1-16 and 36-39 stand rejected under 35 U.S.C. §102(e) as being anticipated by
U.S. Patent No. 6,442,706 to Steven B. Wahl et al. (hereinafter "Wahl"). Applicant has amended
independent claim 1 and respectfully requests reconsideration in light of the following
comments.

Independent claim 1, as amended, is directed toward a system comprising "memory
including program instructions operable to direct the processor to implement a kernel-mode
device driver for gathering environmental data via the sensor interface and for manipulating a
journal based data system associated with the environmental data gathered via the sensor
interface." Wahl does not disclose these claim elements.

Wahl is directed toward a "computer network remote data mirroring system [that] writes
update data both to a local data device and to a local, chronologically sequenced journal storage
area, or writelog device" (Abstract). Wahl discloses a "primary mirror daemon on a local
computer system [that] monitors the writelog device for data updates" (Abstract). Wahl goes on
to disclose "writelog device throttling [which] prevents a memory overflow condition by
dynamically assigning memory to a writelog device." (Abstract) Thus, Wahl discloses a data
mirroring system that prevents data overflow on the mirroring device by assigning additional
storage to the mirroring device as needed.

Wahl does not disclose "memory including program instructions operable to direct the
processor to implement a kernel-mode device driver for gathering environmental data via the
sensor interface and for manipulating a journal based data system associated with the
environmental data gathered via the sensor interface" as recited in claim 1, as amended, because
Wahl is not concerned with gathering environmental data via a sensor interface. Rather, Wahl is
focused on preventing a specific logical state from occurring on a computer readable storage
device, i.e. memory overflow on a writelog device. Even under a broad reading of claim 1, one
of ordinary skill in the art would not read the cited portions of Wahl as disclosing "memory
including program instructions operable to direct the processor to implement a kernel-mode
device driver for gathering environmental data via the sensor interface" because the writelog

device of Wahl resides within the system itself, not in the environment surrounding the system, and the writelog device is throttled based on a logical, not an environmental, condition.

Furthermore, the language of claim 1, as amended, is directed toward "memory including program instructions operable to direct the processor to implement a kernel-mode device driver for gathering environmental data via the sensor interface and for manipulating a journal based data system associated with the environmental data gathered via the sensor interface." Consequently, In re Gulack, which is cited on page 3 of the Office Action, is inapposite to the present application. The Office Action states that In re Gulack stands for the proposition that "when descriptive material is not functionally related to the substrate, the descriptive material will not distinguish the invention from the prior art in terms of patentability." Here, however, the recited program instructions are not descriptive material. They direct the functional behavior of the processor. Thus, In re Gulack does not apply to the present application. Based on these reasons, Wahl does not disclose at least element of claim 1, as amended. Accordingly, withdrawal of this rejection is respectfully requested.

Claims 2-16 depend from claim 1 and are allowable for at least the same reasons that claim 1 is allowable. Accordingly, withdrawal of the rejection of those claims is respectfully requested.

Independent claim 36 is directed toward a method for processing data from a sensor including, among other acts, an act of "storing, in memory, program instructions operable to direct a processor to implement a kernel-mode device driver for gathering environmental data via a sensor interface and for manipulating a journal based data system associated with the environmental data gathered via the sensor interface." Independent claim 39 is directed toward a computer readable storage medium having stored thereon sequences of instructions including instructions that will cause a processor to "store, in memory, program instructions operable to direct the processor to implement a kernel-mode device driver for gathering environmental data via a sensor interface and for manipulating a journal based data system associated with the environmental data gathered via the sensor interface." Wahl does not disclose these claim elements based on reasoning similar to that discussed with regard to Wahl and claim 1 above. For at least this reason, independent claims 36 and 39 are patentable over Wahl and are believed to be in condition for allowance.

<u>Newly Added Claim</u>

Applicant has added new claim 40 to further define Applicant's contribution to the art. Support for the new claim is provided by the specification as filed. More particularly, support for the subject matter of claim 40 is provided, for example, on page 18, paragraph [0065].

Claim 40 depends from independent claim 36 and is, therefore, allowable for at least the same reasons as independent claim 36.

CONCLUSION

In view of the foregoing amendments and remarks, reconsideration is respectfully requested. This application should now be in condition for allowance; a notice to this effect is respectfully requested. If the Examiner believes, after this amendment, that the application is not in condition for allowance, the Examiner is requested to call the Applicant's attorney at the telephone number listed below.

If this response is not considered timely filed and if a request for an extension of time is otherwise absent, Applicant hereby requests any necessary extension of time. If there is a fee occasioned by this Amendment, including an extension fee that is not covered by any accompanying payment, please charge any deficiency to Deposit Account No. 50/2762, Ref. No. A2000-718710.

Respectfully submitted,

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